

# CHALOS, O'CONNOR & DUFFY

ATTORNEYS AT LAW

Michael G. Chalos  
Eugene J. O'Connor  
George M. Chalos  
Owen F. Duffy  
Leroy S. Corsa  
Timothy Semenoro\*  
Brian T. McCarthy  
George E. Murray

366 MAIN STREET  
PORT WASHINGTON, NEW YORK 11050-3120

TELEPHONE (516) 767-3600  
TELECOPIER (516) 767-3605 & 3925  
WEBSITE: WWW.CODUS-LAW.COM

FEB 25 2008

George E. Murray  
Associate  
gmurray@codus-law.com

\*Admitted in NY & NJ

February 25, 2008

Honorable John F. Keenan  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1930  
New York, New York 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3-16-08
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**MEMO ENDORSED**

Re: Probulk Carriers Ltd. v. Ispat Industries Ltd.  
07 CV 9904 (JFK)

**Request for Leave to File a Corrected First Amended Complaint**

Dear Judge Keenan:

We are attorneys for the Plaintiff, Probulk Carriers Ltd., in the above-captioned matter.

In review, this case is being heard under this Court's Admiralty and Maritime Jurisdiction and it is a Rule B action to obtain security. Plaintiff alleges a maritime claim seeking damages of \$1,023,580.82. Process of Maritime Attachment issued, and the Plaintiff has attached the funds of the defendant in this district. The Defendant, Ispat Industries Ltd., has not appeared in this matter to challenge the attachment and, instead, has indicated that it is willing to provide an alternate form of security for the Plaintiff's claim. The negotiations as to the form and substance of the alternate are being dealt with by the London solicitors who will handle the merits of the claims in arbitration in London. A final agreement has not yet been reached on the alternative security, but we understand that the solicitors are still working on it.

After the Plaintiff had already become fully secured, the Plaintiff filed an Amended Verified Complaint on January 31, 2008. Plaintiff did not intend to make any changes to the

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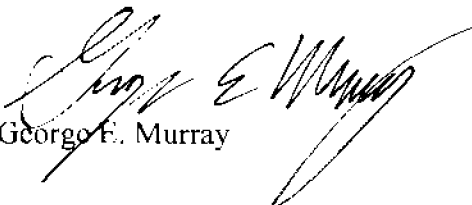
substantive allegations in the Complaint and only intended to clarify the description of the Plaintiff in the "Parties" section of the original complaint. This was clear because Plaintiff also requested the issuance of an Amended Process of Maritime Attachment for the same amount as it had in the original complaint. However, due to a clerical error, Plaintiff inadvertently used an old draft when changing the "Parties" section of the original complaint in order to create the Amended Complaint. This prior draft did not include the full allegations in the original complaint and did not state the entire claim, but a much lesser claim. This was an error.

We have since informed Defendant's counsel of this error. (While the Defendant has not appeared in this matter, Defendant has appointed New York counsel, Blank Rome LLP by Thomas H. Belknap, Esq., reading in copy).

We now write to you to humbly request leave to file a Corrected Amended Complaint, a copy of which is enclosed. We are grateful for your consideration of this matter.

Respectfully submitted,

CHALOS, O'CONNOR & DUFFY

  
George F. Murray

Enclosure

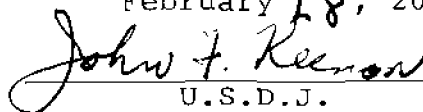
cc: **Via Federal Express (with Enclosure)**  
Blank Rome LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174-0208  
Tel.: (212) 885-5270

Attn: Thomas H. Belknap, Esq.

The application to file a corrected first amended complaint is granted.

SO ORDERED.

Dated: New York, New York  
February 18, 2008.

  
U.S.D.J.